

By CHAMBERLIN.]

[HOUSE FILE No. 14—JUDICIARY.]

A BILL

FOR AN ACT TO AMEND CHAPTER FOUR (4), TITLE ELEVEN (XI) OF THE CODE,
IN RELATION TO FENCES.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That sections 1489, 1495, 1498 and 1499 of the Code be and the same are hereby
2 repealed, and the following enacted in lieu thereof, to-wit:

3 Sec. 1489. The respective owners of lands shall keep up and maintain partition
4 fences between their own and next adjoining land so long as they cultivate or occupy
5 the same, unless otherwise agreed upon between them.

6 Sec. 1498. When land which has been uncultivated or unoccupied is cultivated or
7 occupied, the owner thereof shall pay for one half of each partition fence between his
8 land and the adjoining lands, the value to be ascertained by fence viewers; and if he
9 neglect for thirty days after notice and demand, to pay the same, the other party may
10 recover as before provided in this chapter, or he may, at his election, rebuild and make
11 half of the fence; and if he neglect so to do for two months after making such elec-
12 tion, he shall be liable as before provided.

13 Sec. 1499. When a division fence between the owners of occupied or cultivated land
14 may have been made by the fence viewers, or by agreement in writing recorded in the
15 office of the township where the lands are, the owners and their heirs and assigns
16 shall be bound thereby, and shall support them accordingly; but if any desire to lay
17 his lands in common, and not cultivate or occupy them adjoining the fence divided as
18 above, the proceedings shall be as directed in the case where lands owned in severalty
19 have been inclosed in common without a partition fence.